

11-14-2013

Moen v. Craven Appellant's Brief Dckt. 40880

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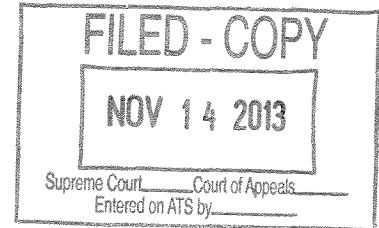
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JAMES MOEN.
Full Name/Prisoner Name

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P.O. BOX 14.
BOISE IDAHO 83707
Complete Mailing Address

Plaintiff/Defendant
(circle one)



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO.

JAMES MOEN.)
Plaintiff/Petitioner,)
(Full name and prisoner number.)
)
vs. Olivia Craven Executive Director of Idaho)
Commissions of Parole and Pardons to include)
the unknown members.)
Defendant/Respondent(s).)
(Full name(s). Do not use et. al.))
_____)

CASE NO. 40880-2013

SECOND APPELLATE BRIEF.

COMES NOW, JAMES MOEN., Plaintiff/Defendant (circle one) in the above entitled

On September 24, 2013 this court received an appeal that included a
appellate brief. Then on October 29, 2013 this court notified the petitioner
to submit a appellate brief by this date. Why is this court asking for an
appellate brief when one was submitted with the original appeal. The petitioner
claims this court must review and rule on this second appellate brief as well

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AS THE FIRST ONE SUBMITTED ON SEPTEMBER 24, 2013.

"SECOND APPELLATE BRIEF ISSUE"

THE DISTRICT COURT IS DUTY BOUND UNDER 28:U.S.C 1915 TO REVIEW THE PETITIONERS COMPLAINT. THE DISTRICT COURT TOOK THE CIVIL RIGHTS COMPLAINT STRAIGHT TO A MOTION TO DISMISS THEN DISMISSED THE CASE WITHOUT EVEN REVIEWING THIS CASE. THE LACK OF TRANSCRIPT THAT THE COURT FAILED TO PROVIDE THE PETITIONER WITH SHOULD BE SUFFICIENT PROOF THAT THE PETITIONERS FOURTEENTH AMENDMENT RIGHTS HAVE BEEN VIOLATED BY BOTH THE APPELLATE COURT AND DISTRICT COURT WHEN THEY PREJUDICED THE PETITIONERS CASE WHEN THEY FAILED TO PROVIDE THE PETITIONER WITH TRANSCRIPTS THAT SHOULD EXIST. THE COURTS ARE IMPROPER.

THE DISTRICT COURT IS BOUND UNDER 28:U.S.C 1915 TO ARTICULATE IF THE PETITIONER HAS STANDING TO PROCEED IN SAID ACTION. THE DISTRICT COURT FAILED TO ADDRESS ANY CLAIM THAT WAS MADE. THE COURT WAS IMPROPER.

THE DISTRICT IS DUTY BOUND UNDER 28:U.S.C 1915 TO ALLOW A STATEMENT OF FACT THAT PROVES CONSTITUTIONAL VIOLATIONS AND THEN TO ALLOW AMENDMENTS TO THE ACTION PRIOR TO DISMISSAL. THE ONLY ACTION PRIOR TO DISMISSAL THE PETITIONER RECEIVED WAS A SUMMARY DISMISSAL WHICH GAVE THE PETITIONER NOTHING TO CONTEST OR TO RESPOND TO. THE COURT WAS IMPROPER.

THE DISTRICT COURT IS DUTY BOUND TO UPHOLD/PROTECT THE RIGHTS OF A PRISONER BY THE CLOAK OF THIS AUTHORITY OVER THE COURT. THE DISTRICT COURT FAILED TO PROTECT THE STANDARDS OF OPERATIONS STATUTES AND DISMISSED THE PETITIONERS CLAIM IN VIOLATION OF PROTECTED RIGHTS.

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THE DISTRICT COURT IS DUTY BOUND TO CONDUCT "MARTINEZ"
INVESTIGATIONS INTO THE PETITIONERS CLAIM PRIOR TO DISMISSING SAID ACTION.
THE DISTRICT COURT FAILED TO ORDER SUCH A HEARING

THE DISTRICT COURT IS DUTY BOUND NOT TO ACT PREJUDICIALLY UNDER
THE COLOR OF LAWFUL AUTHORITY, YET THE COURT ORDERED A SUMMARY DISMISSAL
ON BEHALF OF THE DEFENDANTS IN AND AGAINST THE FORM, EFFECT OF CONGRESSIONAL
STATUTE AND U.S. SUPREME COURT AUTHORITY.

THE DISTRICT COURT ACTING TO DISMISS PETITIONERS CLAIM/SUIT IN
VIOLATION OF "IDAHO STATE CONSTITUTION" SECTION 1, 18 DID IN FACT ACT TO
DENY, HARM, PREJUDICE, HAMPER, DELAY, AND OR OBSTRUCT THE RIGHTS TO
THE PETITIONERS RIGHT TO ACCESS THE COURT FOR THE "REDRESS" OF THE
"WRONGS" THAT THE PETITIONER IS CLAIMING IN THIS CASE.

THE PETITIONER ASKS THIS COURT TO RULE ON THE MERITS OF BOTH
"APPELLATE BRIEF ISSUES AND RULE IN FAVOR OF THE PETITIONER."

Respectfully submitted this 11 day of NOVEMBER, 20 13.

James Moen
Plaintiff/Defendant (circle one)

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 11 day of NOVEMBER, 20 13, I
mailed a true and correct copy of the SECOND APPELLATE BRIEF via
prison mail system for processing to the U.S. mail system to:

IDAHO COURT OF APPEALS.
P.O. Box 83720
BOISE, IDAHO
83720-0101

James Moen
Plaintiff/Defendant (circle one)

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